

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**DANIEL GALBRAITH and
SARAH GALBRAITH,**

Plaintiffs,

vs.

**STATE FARM FIRE AND CASUALTY
COMPANY,**

Defendant.

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CASE NO. CIV-16-1227-R

JURY DEMANDED

**DEFENDANT STATE FARM FIRE AND CASUALTY COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

PLEASE TAKE NOTICE that Defendant, State Farm Fire and Casualty Company ("State Farm"), hereby files its Notice of Removal ("Notice"). In support hereof, State Farm would respectfully show the Court as follows:

BASIS OF REMOVAL

1. On or about August 10, 2016, Plaintiffs (herein so called) filed their Original Petition ("Complaint") in the matter entitled *Daniel Galbraith and Sarah Galbraith v. State Farm Fire and Casualty Company*, in the District Court in and for Oklahoma County, State of Oklahoma. A copy of the Complaint is attached as Exhibit 1 hereto, incorporated herein, and made a part hereof for all purposes.

2. Summons was issued upon State Farm via the Insurance Department on or about October 6, 2016. Attached hereto as Exhibit 2 is a true and correct copy of the Summons issued to State Farm.

3. As reflected in Plaintiff's Complaint, the amount in controversy in this case is in excess of \$75,000, thereby allowing State Farm to remove the case. *See* Exhibit 1 at 8.

4. State Farm was and is a corporation organized in Illinois, with its principal place of business in Bloomington, McLean County, Illinois. Upon information and belief, Plaintiffs are citizens of Oklahoma County, Oklahoma.

5. This Court has original jurisdiction over the matters made the basis of this lawsuit pursuant to 28 U.S.C. § 1332 in that (1) the Plaintiffs are Oklahoma citizens; (2) Plaintiffs are completely diverse from State Farm and; (3) the requisite amount in controversy has been satisfied on the face of Plaintiffs' Complaint.

6. Venue is proper because Oklahoma County is located within the Western District of Oklahoma. 28 U.S.C. § 1441(a).

7. Since State Farm's Notice was filed within thirty days after summons was served, this Notice is timely.

8. Additionally, State Farm files contemporaneously herewith all pleadings or other documents on file in the State Court matter as Exhibit 3, including a copy of the Court's docket sheet.

WHEREFORE, PREMISES CONSIDERED, Defendant State Farm Fire and Casualty Company, pursuant to and in conformity with the requirements set forth in 28 U.S.C. § 1446, removes Case No. CJ-2016-4063 in the District Court of Cleveland County, State of Oklahoma, *Daniel Galbraith and Sarah Galbraith v. State Farm Fire and Casualty Company*, on this the 24th day of October, 2016.

Respectfully submitted,

By /s/ Benjamin G. Kemble
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**ATTORNEYS FOR DEFENDANT,
STATE FARM FIRE AND
CASUALTY COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on this the 24th day of October, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants and/or in accordance with the Federal Rules of Civil Procedure:

Ms. Simone Gosnell Fulmer
Mr. Harrison C. Lujan
Mr. Jacob L. Rowe
Fulmer Group, PLLC
P.O. Box 2448
Oklahoma City, OK 73101

/s/Benjamin G. Kemble
Benjamin G. Kemble